

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6763**

**BILL NUMBER:** SB 383

**NOTE PREPARED:** Dec 28, 2011

**BILL AMENDED:**

**SUBJECT:** Child Abuse or Neglect.

**FIRST AUTHOR:** Sen. Glick

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that for purposes of the duty to report child abuse or neglect and certain offenses related to child abuse or neglect, "child abuse or neglect" and "victim of child abuse or neglect" include a child who is alleged to be a child in need of services (CHINS) or a victim of: (1) a sex crime; (2) battery of a person less than 14 years of age by a person at least 18 years of age; (3) neglect of a dependent; (4) human trafficking; or (5) sexual trafficking.

(Current law provides that "child abuse or neglect" and "victim of child abuse or neglect" include a child who is alleged to be a child in need of services.)

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Summary:* This bill is expected to increase the number of reports of child abuse and neglect in the state. As a result, the number of CHINS petitions filed by the Department of Child Services (DCS) will also likely increase. The increase in reports of child abuse and neglect are indeterminable.

As a result of this bill, the workload of DCS is expected to increase by an indeterminable amount. The DCS reports this bill will result in the need for additional family case managers (FCMs) and staff attorneys to process any increase in the number of reports of child abuse and neglect and CHINS petitions filed. Actual increases in staff needs (and staffing expenditures) are indeterminable but will depend on the actual increase in the number of reports of child abuse and neglect and CHINS petitions that result from the changes in the bill.

Additionally, the bill may increase the number of individuals who are prosecuted for failure to report child abuse and neglect. Penalties for this crime range from a Class B misdemeanor to a Class D felony. Actual increases in the number of people convicted for failure to report instances of child abuse and neglect are also indeterminable.

*Additional Information:*

*DCS Impact:* This bill expands the definition of child abuse and neglect for purposes of reporting child abuse and neglect to the DCS. By expanding the definition of child abuse and neglect for purposes of CHINS determinations, this bill is expected to increase the number of reports of child abuse and neglect in the state by an indeterminable amount.

The DCS reports the changes made to the definition of child abuse and neglect will require (1) additional FCMs to staff the Child Abuse Hotline to process the expected increase in reports of child abuse and neglect, (2) additional FCMs to complete an increased number of child abuse and neglect assessments, and (3) additional staff attorneys to file an increased number of CHINS petitions with the court.

For FY 2011, DCS received a total of 149,783 reports of child abuse and neglect. As of November 2011, the DCS employed 1,496 FCMs to handle reports of child abuse and neglect (from the Child Abuse Hotline), assessments, and ongoing cases. The DCS reports having approximately 15,000 ongoing CHINS at any point in time. The DCS also reports that each FCM is involved with 17 to 34 individual children at any point in time and may process between 150 and 200 assessments per year. The DCS reports the average annual salary and benefits for all FCMs and staff attorneys currently employed with DCS to be \$49,500 and \$64,000, respectively.

*Penalty Provision:* Because the bill expands the definition of child abuse and neglect for reporting purposes, this bill may also increase the number of individuals who are found to not report suspected child abuse and neglect as required by law (IC 31-33-22). This bill may, as a result, increase the number of convictions for the following crimes:

- (1) Knowingly failing to make a report of child abuse and neglect, a Class B misdemeanor,
- (2) Knowingly failing to make a report of child abuse and neglect by a member of the staff of a medical or other public or private institution, school, facility, or agency, a Class B misdemeanor (in addition to any penalty imposed for failure to report child abuse and neglect),
- (3) Knowingly requesting, obtaining, or seeking to obtain child abuse or neglect information under false pretenses, a Class B misdemeanor,
- (4) Intentionally communicating a false report of child abuse or neglect with law enforcement or the DCS, a Class A misdemeanor, and
- (5) Intentionally communicating a false report of child abuse or neglect with law enforcement or the DCS with a prior, unrelated conviction for making a false report of child abuse or neglect, a Class D felony.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor depending upon mitigating and aggravating circumstances.

Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC)

facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000, Class A misdemeanor is \$5,000, and a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** This bill may also increase the workload of juvenile courts to the extent additional CHINS petitions are filed by the DCS. However, no revenue from court fees is expected as a result.

*Penalty Provision:* If more defendants are detained in county jails prior to their court hearings for a Class D felony, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

A Class A misdemeanor is punishable by up to one year in jail, a Class B misdemeanor is punishable by up to 180 days in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** DOC, DCS.

**Local Agencies Affected:** Trial courts, juvenile courts, local law enforcement agencies.

**Information Sources:** Brady Brookes, DCS.

**Fiscal Analyst:** Bill Brumbach, 232-9559.